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8 UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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12 JANE DOE, as next friend for "JESSY,"  
13 a minor, and "SOLOMON",

14 Plaintiffs,

15 v.

16 EDWARD CHARLES DINKFELD,

17 Defendant.  
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Case No.:2:19-cv-015540ODW-SS  
DECLARATION OF CAROL L.  
HEPBURN IN SUPPORT OF  
OPPOSITION TO  
DEFENDANT'S MOTION TO  
DISMISS

NOTE ON MOTION  
CALENDAR:

1 CAROL L. HEPBURN hereby declares the following to be true and correct  
2 under penalty of perjury of the laws of the State of California:

3 1. I am one of the attorneys representing the Plaintiffs “Jessy” and  
4 “Solomon” in this action (“Jessy” and “Solomon”, or “Plaintiffs”). I make this  
5 Declaration in support of their  
6 Opposition to Defendant’s Motion to Dismiss.

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8 2. The telephone call which Defense counsel alleges was a meet and  
9 confer covered only the single issue of specificity and not the several issues raised  
10 in the pending defense motion. Plaintiffs agreed to make the complaint more  
11 specific yet this motion was filed nonetheless. Defense counsel Robert Helfend  
12 emailed all plaintiffs’ three counsel concerning arranging a meet and confer.  
13 After some back and forth in which I confirmed that I wanted all plaintiffs’  
14 counsel on the call, Mr. Helfend cold-called me afternoon of May 15, 2019. He  
15 called me reportedly from his car and informed me that the issue was “simple”  
16 and that the others did not need to be on the call. He said that paragraph 23 of the  
17 complaint was not specific enough. He said under *Twombley* it needed to be  
18 more specific.  
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23 3. During the phone call on May 15, 2019 Defense counsel Mr.  
24 Helfend said nothing about, nor raised any questions concerning, the status of  
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1 Jane Doe, next friend for Plaintiff Jessy as is alleged in Defendants memorandum  
2 supporting his motion at page 3, Paragraph I. Introduction. Had that issue been  
3 raised I would have advised Mr. Helfend that --“Jane Doe” is not alleging injury  
4 or seeking damages on her own behalf, that she is named in this action only as  
5 Next Friend for a minor who does not have the legal capacity to appear and make  
6 decisions in this litigation on his own behalf. Had this issue been raised by Mr.  
7 Helfend in the call he made to me I would have offered to put that clarification in  
8 writing, either through an amended complaint or by letter.  
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13 4. In the phone call of May 15, 2019 Mr. Helfend said nothing about  
14 the allegations in the complaint concerning personal jurisdiction being inadequate  
15 as he alleges in his Memorandum at page 3, Paragraph I. Introduction.  
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18 5. In the phone call of May 15, 2019 Mr. Helfend said nothing about  
19 Plaintiffs’ claims being invalidated because they received restitution under the  
20 criminal matter as a result of Mr. Dinkfeld’s conviction as he alleges in his  
21 Memorandum at page 3, Paragraph I. Introduction.  
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1           6.     After reviewing paragraph 23 of the Complaint I emailed Mr.  
2     Helfend the same May 15 and advised that we would make the complaint more  
3     definite and certain and inquired whether he wanted that in a pleading or a letter.  
4     (A true and correct copy of the entire email thread is attached hereto at Exhibit 1  
5     hereto.) Set forth in the email is also the confirmation that paragraph 23 was the  
6     only issue discussed during the call. Plaintiffs' co-counsel John Kawai further  
7     responded that same day that paragraph 23 could be read together with  
8     paragraphs 9-11 and 12-14 to provide more specificity.  
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13           7.     When Mr. Helfend did not respond to my email I again emailed him  
14     on May 21, 2019 and reiterating that we would make the allegations more  
15     specific and inquiring as to his preference for form. His response at that time was  
16     that "Mr. Dinkfeld is considering his options." This motion followed. Attached  
17     hereto as Exhibit 1 is a true and correct copy of the email thread showing my  
18     original email to Mr. Helfend on May 15, Plaintiffs' counsel Mr. Kawai's  
19     comment that paragraphs 9 – 11, and 12 – 14 might be considered to expand on  
20     paragraph 23 of the complaint, my followup email on May 21 having not received  
21     a response from Mr. Helfend, and Mr. Helfend's response concerning defendant  
22     "considering his options."  
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**CAROL L. HEPBURN, P.S.**  
**ATTORNEYS AT LAW**

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1           8.     There was no more substance to any “meet and confer”  
2     communication between Mr. Helfend and myself other than is set forth in this  
3     declaration. No “thorough” discussion took place. I never received a response to  
4     my inquiry concerning what form Plaintiffs might use for the further specification  
5     of facts.  
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8           9.     Attached hereto as Exhibit 2 is a true and correct copy of the  
9     Judgment of conviction of Defendant Dinkfeld of the crimes of Travel with Intent  
10    to Engage in Illicit Sexual Conduct with a Minor in violation of 18 U.S.C.  
11    §2423(b) and Receipt of Child Pornography in violation of 18 U.S.C.  
12    §2252A(a)(5)(B), (b)(2) in *United States v. Dinkfeld*, Case. No. CR 17-482-R,  
13    United States District Court, Central District of California.  
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17          10.    Attached hereto as Exhibit 3 is a true and correct copy of the  
18    Stipulation Regarding Restitution signed by Defendant Dinkfeld and his counsel  
19    Robert Helfend and entered into with the Government and filed in the matter of  
20    *United States v. Dinkfeld* on May 7, 2018.  
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1           11. Attached hereto as Exhibit 4 is a true and correct copy of the Order  
2 Regarding Restitution entered in the matter of *United States v. Dinkfeld* on May  
3  
4 9, 2018.

5 DATED this 12th day of June, 2019, at Seattle, Washington.

6  
7 CAROL L. HEPBURN, P.S.

8 /s Carol L. Hepburn

9 Carol L. Hepburn, *Pro Hac Vice*

10 200 First Avenue West, #550

11 Seattle, WA 98119

12 (206) 957-7272

13 (206) 957-7273 fax

14 [carol@hepburnlaw.net](mailto:carol@hepburnlaw.net)

15 Attorney for Jessy and Solomon